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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,876	11/04/2003	Satoshi Nishikawa	00862.023296.	3495
5514 7590 04/28/2010 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800				
EXAMINER				
WILLS, LAWRENCE E				
ART UNIT		PAPER NUMBER		
2625				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/699,876

Applicant(s)

NISHIKAWA, SATOSHI

Examiner

LAWRENCE E. WILLS

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 11, 14, 21, 24 and 31-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 11, 14, 21, 24, 31-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 5, 2010 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 11, and 21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 4, 11, 14, 21, 24, and 31-33 rejected under 35 U.S.C. 103(a) as being unpatentable over Petz (WO 2002/82362 A2—US Patent Application Pub. No. 2004/0187087 is used in lieu of English translation) in view of Perry (US Patent No. 7,159,190).

Regarding claims 1, 11, and 21 Petz'081 teaches an information processing apparatus comprising: a first display unit configured to display a first setting screen to set an entire processing mode defining a processing mode to be applied to the entire document data (Fig. 12, Document Screen, sets processing for a whole document); a second display unit configured to display a second setting screen to set a chapter processing mode defining the processing mode to be applied to a selected chapter including a plurality of pages of the document data, wherein the second setting screen is different from the first setting screen (Fig. 12, Existing ranges, Create new range, sets processing for a range of pages or chapters); a third display unit configured to display a third setting screen to set a page processing mode defining the processing mode to be applied to a selected page of the document data, wherein the third setting screen is different from the first setting screen and the second setting screen (Fig. 12, Single pages, sets processing for a single page); and a print data generating unit (print output module, 16, paragraph 0039) configured to generate print data so that a printer prints a printed material on which the processing mode defined by the page processing mode is applied to the selected page and the processing mode defined by the chapter processing mode is applied to the selected chapter predetermined and the processing mode defined by the entire processing mode is applied to the remaining portion of the document data to which the page processing mode and the chapter processing

mode are not applied when the entire processing mode is set in accordance with an instruction received via the first setting screen displayed by said first display unit and the chapter processing mode is set in accordance with an instruction received via the second setting screen displayed by said second display unit and the page processing mode is set in accordance with an instruction received via the third setting screen displayed by said third display unit (those pages, ranges, or documents in which the respectively automated event should run are then selected in the selection region...it can thereby be provided to completely accept already assembled automatic actions inclusive of the range specifications associated with them, paragraph 0068). Petz'081 fails to teach wherein the processing mode is a color mode.

Perry'190 teaches wherein a processing mode is a color mode (notice in Fig. 6B Exception pages can be printed in grayscale or monochrome, or can be printed in color); a determining unit (530, Fig. 2) configured to determine whether the printer can change a print mode in processing of the print data based on performance information (held by an operator/ineligible for printing, column 4, lines 54-85) of the printer acquired from the printer before the print data is sent (notice the print job status information section and buffer section of column 4, lines 54-58)

Having a system of Petz'081 reference and then given the well-established teaching of Perry'190 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify

the hierarchical page processing system of Petz'081 reference to include color quality as taught by Perry'190 reference, since there is a need for printer systems and methods that allow a user to improve the management of numerous print job exception attributes on the exception pages in order to increase worker productivity and reduce page level exceptions programming errors (Perry'190, column 1, lines 60-65).

The combined teachings of Petz'081 and Perry'190 fails to teach a determining unit constructed to determine whether imported data is image data; a generating unit constructed to generate document data by creating a new chapter for the imported data when the determining unit determines that the imported data is not image data, and by inserting the imported data into an existing chapter when the determining unit determines that the imported data is image data;

Roztocil'868 teaches a determining unit constructed to determine whether imported data is image data (page insertion which shows that a photo, tab, or other page is inserted at the indicated point, paragraph 0078, a determination is made as to what type of data is inserted at this point); a generating unit constructed to generate document data by creating a new chapter (tab set, as shown in Fig. 6, are 5/8 ordered tab pages, paragraph 0063, which are processed separately from the image or other page inserted) for the imported data when the determining unit determines that the imported data is not image data (notice that when tab data is inserted special processing

is performed as described in paragraphs 0060 and 0066), and by inserting the imported data into an existing chapter when the determining unit determines that the imported data is image data (when the inserted data is a photo or other page, the page is inserted into the indicated point with no special processing, paragraph 0078).

Having a system of Petz'081 in combination with Perry'190 reference and then given the well-established teaching of Roztocil'868 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the hierarchial page processing system of Petz'081 in combination with Perry'190 reference tab processing as taught by Roztocil'868 reference, since tabs are frequently used as visual indicators of a section or chapter (Roztocil'868 paragraph 0062).

Regarding claims 4, 14, and 24, Petz'081 fails to teach wherein said printing data generating unit determines whether the printer copes with a change of the color mode, when the printer copes with the change, generates, by using the generating function, printing data containing the instruction of changing the color mode, and when the printer does not cope with the change, generates, by using the generating function, print-data containing no instruction of changing the color mode.

Perry'190 teaches wherein said printing data generating unit determines whether the printer copes with a change of the color mode (print job exception, column 5, lines 44-45), when the printer copes with the change (Step 5000, Fig. 3), generates, by using the generating function, printing data containing the instruction of changing the color mode (5030, yes branch, Fig. 4), and when the printer does not cope with the change (5030, no branch, Fig. 4), generates, by using the generating function, print-data containing no instruction of changing the color mode (print job level properties will apply to the entire print job, column 5, lines 29-30).

Having a system of Petz'081 reference and then given the well-established teaching of Perry'190 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the hierarchial page processing system of Petz'081 reference to include color quality as taught by Perry'190 reference, since there is a need for printer systems and methods that allow a user to improve the management of numerous print job exception attributes on the exception pages in order to increase worker productivity and reduce page level exceptions programming errors (Perry'190, column 1, lines 60-65).

Regarding claims 31, 32, and 33, Petz'081 fails to teach wherein the entire color mode is set for specifying whether color printing or monochrome printing is performed for the entire document data, and the partial color mode

is set for specifying whether color printing or monochrome printing is performed for the predetermined unit of the document data.

Perry'190 teaches wherein the entire color mode is set for specifying whether color printing or monochrome printing is performed for the entire document data (Fig. 5, Job Properties can be set by image quality to be either color or grayscale to an entire document), and the partial color mode is set for specifying whether color printing or monochrome printing is performed for the predetermined unit of the document data (Fig. 5, Job Properties can be set by image quality to be either color or grayscale to an exception page as in Fig. 6B).

Having a system of Petz'081 reference and then given the well-established teaching of Perry'190 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the hierarchical page processing system of Petz'081 reference to include color quality as taught by Perry'190 reference, since there is a need for printer systems and methods that allow a user to improve the management of numerous print job exception attributes on the exception pages in order to increase worker productivity and reduce page level exceptions programming errors (Perry'190, column 1, lines 60-65).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAWRENCE E. WILLS whose

telephone number is (571)270-3145. The examiner can normally be reached on Monday-Friday 9:30 AM - 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

LEW
April 24, 2010